



**ENVIRONMENTAL ASSESSMENT DECISION NOTICE
for the
City of Helena Deer Reduction Program, Pilot Project Phase II**

**Montana Fish, Wildlife & Parks
Region 3, Bozeman
January 2009**

Preface

In 2007, the City of Helena presented their Urban Deer Management Plan to the Montana Fish, Wildlife & Parks' Commission for approval so that the plan could be initiated. The Commission's approval was required because of legislation passed in 2003. House Bill 249 (7-31-4110 MCA) was enacted to allow local governments, in cooperation with Montana Fish, Wildlife, and Parks (FWP), to develop and implement local programs in an attempt to better manage urban wildlife for public health and safety issues.

The plan included findings that confirmed the predominate urban wildlife issue within the City's limits was an overpopulation of mule deer that were habituated to an urban environment. The plan proposed an initial removal of 350 deer in an effort to stop or reduce the population's rate of growth. The target deer population density for the City was recommended at 25 deer per square mile based upon anticipated reproduction and mortality rates. Currently, the deer density is estimated at about 33 deer/square mile.

The initial phase of the City's deer reduction plan was implemented in early September 2008 and completed by the end of October 2008. The project was considered a success with 50 adult deer being removed. Over 1,500 lbs. of venison were donated to Helena Food Share, and knowledge and experience were gained for improving traps, adjusting the trapping schedule, and reducing potential injuries to staff.

At the December 2008 FWP Commission meeting, the City of Helena requested approval for continuation of the pilot project in which deer would be removed from three additional areas of the city with a maximum of 50 deer per area during the winter 2009.

Proposed Action

Montana Fish, Wildlife & Parks (FWP) is proposing to approve the continuation of the City's deer reduction pilot project, to evaluate effectiveness of methods at a different time of year in different areas of the city and involving different age classes of deer with effective dates of January 15 through March 31, 2009.

Public Process and Comments

FWP is required by the Montana Environmental Policy Act (MEPA) to assess potential impacts of a proposed action to the human and physical environment. In compliance with MEPA, an Environmental Assessment (EA) was completed for the proposed project by FWP and released for public comment on December 16, 2008.

Public comments on the proposed action were taken for 27 days (through January 11, 2009). Legal notices were printed in the *Helena Independent Record*, and the EA was also posted on the FWP webpage: <http://fwp.mt.gov/publicnotices/>.

One hundred and ninety-five individuals submitted comments and of those, 106 respondents were in support of reducing the number of mule deer living within the City of Helena, 80 respondents were opposed to it, and 9 respondents did not clearly declare their support or opposition to the proposed action. Of the comments received, 20 spoke directly to the issue at hand, that is FWP's decision whether or not to approve the continuation of the City's pilot deer reduction plan or not. Fourteen requested the Commission's approval of the City's efforts and six respondents asked the Commission to deny their request.

Those who support the City's plans for Phase II of the deer reduction pilot project cited the following reasons: 1) meat going to a worthy cause and those in need, 2) deer pose a public and personal safety hazard to city residents (i.e. car collisions and threatening children), 3) deer destroy public and private landscaping, 4) the deer have become habituated to the artificial habitat of the city, 5) a large deer population will be an attractant for mountain lions, and 6) public health concerns regarding deer excrement in areas where children play.

Below is a summary of the comments and questions received and FWP responses to the feedback:

1) Method of removal

A variety of feedback was received under this category. Nearly thirty respondents expressed their desire for FWP and City to use non-lethal methods to control the deer population, such as sterilization or relocation to areas where mule deer populations are low. A couple of commenters believed that the use of a bolt gun was inhumane and asked the City to find a better method.

FWP response: Based upon information used by the City for their deer management plan, the trap/relocation alternative was not the preferred option because it can be very stressful to the animal and often results in high mortality rates in the relocated deer. Additionally, this methodology was found to be labor intensive, have a high cost, and

poses a risk for disease (CWD) and problem transfer into the wild. For these reasons, FWP would not support or allow a relocation effort.

Although the City explored sterilization as a possible method to control the mule deer population, the City found that the costs of such a treatment was prohibitive at this time and that the effectiveness of the method in a free ranging wildlife population was questionable. The City may explore this option at a future time.

The City decided to use the bolt gun instead of a small caliber pistol because the bolt gun is much safer and more humane. The bolt gun does not have a projectile that we have to be concerned with and it is more effective in instantaneous death of the animal. The use of a bolt gun also results in no waste of meat due to tissue damage and negates any concerns about lead contamination, which would be the case on both issues if a bullet were used. Furthermore, chemical euthanasia would have rendered the meat unfit for human consumption.

2) Number of deer to be removed

Forty-one comments received were directly related to the number of deer to be removed during the continuation of the pilot project. Twenty-four respondents felt the culling amount should be increased. Conversely, sixteen individuals believed no more deer should be killed because the deer are an aesthetic asset to the city.

FWP response: The decision to cull the existing urban deer population by the City of Helena is based on the need to preserve the public's health and safety and protect real and personal property from potential damage from the increasing urban deer population. The City developed a plan to meet these goals that included the culling of a portion of the existing deer population from within the city limits to a density of 25 deer/ square mile.

Since any implementation of the City's plan required FWP Commission approval and the initial phase of the plan was the first urban wildlife management effort submitted to the Commission, the Commission felt it was prudent to approve a very limited culling effort for Phase I of the deer management pilot project. Although Phase II of the City's efforts is an increase over Phase I, at its completion the total number deer culled from the city's urban deer population will still be less than the target of 350 originally proposed by the City in 2008.

The City's Urban Deer Management Plan does not call for the total removal of all of Helena's deer. The Plan proposed to control the expansion of the deer population before tolerance for deer in the city is further reduced because of public safety and public/private property concerns.

3) Effort not a long-term solution

A handful of comments stated the City's efforts to decrease the urban deer population would only reduce the number of sightings but not stop deer from coming into the city. Therefore, the proposed effort was not a long-term solution.

FWP response: The implementation of the first phase of the pilot project provided the City with an opportunity to apply the chosen deer reduction methodology and to practice

and learn from those efforts. This next phase of the pilot project will provide additional information regarding questions the City had about conducting the operation such as the timing and location of trapping. After the completion of Phase II, the City expects to have a finalized plan ready to submit to the City Commission and the FWP Commission that will address how many deer the City wants to cull each year in order to reach the desired urban deer density of 25 deer/square mile and that details how the effort will be implemented based on the lessons learned from the pilot projects. The continuation of future urban deer reduction efforts will be based upon recommendations from the Helena Police Department and will require the approval of both the Helena City Commission and the FWP Commission.

When the City's final plan is presented to FWP for review and for consideration by FWP's Commission, FWP will likely complete a programmatic environmental assessment (EA) of the plan's attributes to determine the potential resource impacts if it were fully implemented. The completion of a programmatic EA will eliminate the need for future individual EAs for each deer reduction effort the City requests to implement.

4) Actual number of urban deer is less than stated

Five respondents questioned the validity of the urban deer population estimate used in the EA and City's deer reduction plan. Those individuals believe the actual number of deer within Helena is much less.

FWP response: The City developed a systematic approach to inventory the deer population that included: 1) dividing the city by City Council Districts (HCC) to provide accurate survey boundaries, 2) direct observation on a street-by-street and alley-by-alley method, 3) each survey event was conducted by two observers, 4) deer characteristics were recorded (sex and age) and 5) each sampling area was inventoried at least twice to validate the observations. Survey data were then consolidated and reported. The original survey's design allows for it to be repeated again in the future to provide indices for changes in population density and composition.

The data produced from the 2006-2007 urban deer survey stands as the best available statistics on Helena's deer population and therefore will be used as a reference tool until the City completes a new survey.

5) Deer/human conflicts really a human problem

Nineteen commenters stated they felt more effort should be spent on educating humans on how to co-exist with deer such as driving slower in areas where deer are present in order to decrease deer/vehicle collisions.

FWP response: Public education and outreach is one of the original recommendations presented in the City's plan. In past years, the City has included information on Living with Wildlife in residents' city water bill and also held a public meeting where useful information for living with wildlife, such as deer-resistant landscaping and issues with bird feeders, was discussed. The effectiveness of these educational efforts is expected to be reflected in a decrease in the number of reports of human-wildlife conflicts and wildlife collisions called into FWP game wardens and the Helena Police Department.

6) Expand target area where the implementation will take place.

A handful of respondents requested an expansion of the new neighborhoods to be included in Phase II, specifically near old Hale Reservoir, Reader's Village, Sunhaven, and south central areas.

FWP response: Again, the intent of this pilot project is to explore methodology to better understand how and where deer control may occur, as well as the most effective and efficient time of year, rather a comprehensive deer reduction program for the City of Helena.

7) Wolves around Helena are driving the deer into the city.

FWP response: Wolves are in relative proximity to Helena, but deer have been coming into town prior to the presence of wolves in the area. Evidence suggests that deer have found a home of their own accord (food, water, shelter). Many of the deer in the city are year-round residents who don't or no longer move back and forth between the public land and the city.

8) Improve access to Block Management Areas and public lands near Helena in order to increase opportunities for public hunting to control the number of deer.

FWP response: FWP implemented hunting district (HD) 388 a few years ago which includes the Helena valley outside the city limits. FWP worked with area landowners to create opportunities for public hunting. FWP maintained a landowner list in the office along with the block management maps. Hunters have been directed to landowners who want deer harvested. Currently hunters can harvest up to six deer in this area. The deer numbers in HD388 have been reduced since this season has been implemented. This decrease has been noted by area landowners who are reporting less damage on their property. Public hunting outside of the city will not address the current population of resident deer, although it could slow down the movement of additional deer into the city.

9) Specific questions directed at the implementation of the deer reduction effort

- a. Since the process did not use projectiles to kill deer, isn't it a waste of law enforcement resources to have police officers dispatch the captured deer?

FWP response: The use of the Police Department for the implementation of the pilot project was a management recommendation by the City Manager of Helena and a decision by the Governing body of Helena. The presence or lack of presence of a projectile really is unrelated to the use of the Police Department for this project. Part of the rationale was some citizens felt safer and more comfortable having their police department conduct this operation. It would ensure proper liability coverage. There could be closer management of the personnel and program if it was administered by a City Department. Furthermore, police officers are trained in some general aspects of the program such as safety, working with citizens, and knowledge of Helena. Another major factor in the decision was that by using the police department the project becomes a police operation and is governed by their rules and laws.

- b. Where will the culling occur and what are the boundaries for those sites?

FWP response: The City designated three areas for Phase II of the pilot project. They are:

- *Upper Westside of Helena - Borders are Benton Avenue west to Joslyn Street, south to LeGrande Blvd. and north to Euclid Avenue.*
- *Central area of Helena - Borders are Montana Avenue west to Rodney Street, south to 2nd Street and north to Helena Avenue.*
- *Lower Westside of Helena - Western border is Benton Avenue, north to Custer Avenue, east to Montana Avenue, and south to North Main. This area takes in Bill Robert's golf course and Nature Park.*

c. What is the cost per animal for the project including all costs?

FWP response: Based upon the pilot project summary data presented to the FWP Commission in December by the City, the cost per animal for the 2008 pilot project was \$236 per deer. This amount includes the costs for the purchase of necessary equipment, personnel time, fuel costs for 50 deer that were dispatched and for the 35 fawns that were captured and released, and for resetting traps.

The City expects lower costs for the implementation of Phase II of the pilot project because the majority of the equipment has already been purchased, personnel costs should be reduced, and all captured deer will be dispatched instead of releasing a portion of the animals.

d. What was the per pound cost of meat when it was delivered to Food Share?

FWP response: Based on the processing costs and estimated amount of meat donated to Helena Food Share reported to the FWP Commission by the City, the per pound cost was approximately \$2.00.

e. Is the meat safe for human consumption?

FWP response: Yes, through contact with other agencies and professional contacts, FWP learned other areas have utilized urban deer meat for consumption with no issues of contamination from landscaping chemicals. Because of the use of bolt guns to dispatch the deer, there were no concerns about lead fragments or lead contamination in the meat.

f. Has FWP considered contacting private landowners directly on the south side of the City to coordinate bow hunting on that land?

FWP response: No, because public hunting is prohibited within the city limits by state statute (87-3-305 MCA). However, the City's Urban Deer Management Plan did investigate the option of allowing limited public hunting in designated areas. The City may consider this alternative at a later date.

g. What is the meaning of "review of zoning ordinances and laws" in the Plan?

FWP response: This objective of the plan acknowledges the City will evaluate the further development of the city's boundaries and how that growth affects the urban deer population. The City's desire is to avoid new developments that exacerbate the existing urban deer conflicts.

- h. Are there any assurances that the number of urban deer in Helena will not drop below the target density level?

FWP response: No, however those involved with the continuing culling of Helena's urban deer population will likely recognize population density changes and adjust future culling efforts accordingly in order to balance deer density levels with public and personal safety needs of its residents. The City's urban deer management plan does not call for the elimination of all of Helena's urban deer.

- i. Did the past culling effort have any impact on the urban deer population?

FWP response: The City's fundamental purpose for the implementation of the pilot project was to test the culling prescription recommended in the Urban Deer Management Plan. The opportunity to test trapping equipment, dispatch methodology, and other project management was very useful and beneficial to the City and Police Department. The removal of 50 urban deer from the estimated population of 700 did very little to substantially change the deer density within Helena.

- j. FWP has a mission to protect and preserve the State's wildlife. Why does it support this project that will kill urban deer?

FWP response: The situation in Helena is unique and the Department has to intercede when conflicts occur between wildlife and humans, especially when concerns about disease and public safety arise. We are certain we are conserving the population of deer in and around Helena even with the planned removals.

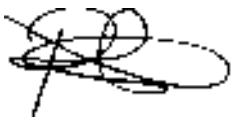
Final Environmental Assessment

There are no modifications necessary to the Draft Environmental Assessment based on public comment. The Draft Environmental Assessment, together with this Decision Notice, will serve as the final document for this proposal.

Decision

Based on the Environmental Assessment, public comment, and the need to meet the terms of 7-31-4110 MCA for responsible management of urban wildlife by local governments, it is my decision to approve the proposed action for continuation of the City of Helena's deer reduction pilot project.

I find there to be no significant impacts on the human and physical environments associated with this project. Therefore, I conclude that the Environmental Assessment is the appropriate level of analysis, and that an Environmental Impact Statement is not required.



Patrick J. Flowers
Region 3 Supervisor
Montana Fish, Wildlife & Parks

1/13/2009

Date